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Planning Commission Study Session

TO: PLANNING COMMISSION

FROM: JORDAN FELD, AICP, SENIOR PLANNER
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THROUGH: CATHERINE LORBEER AICP, PRINCIPAL PLANNER
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MEETING DATE: AUGUST 6, 2014

SUBJECT:

- A. GP14-08: REQUEST FOR MINOR GENERAL PLAN AMENDMENT TO CHANGE THE LAND USE CLASSIFICATION OF APPROXIMATELY 2.2 ACRES OF REAL PROPERTY GENERALLY LOCATED NORTHWEST OF THE NORTHWEST CORNER OF COOPER ROAD AND GUADALUPE ROAD FROM RESIDENTIAL >0-1 DU/AC TO GENERAL COMMERCIAL (GC).**
- B. Z14-18: REQUEST TO REZONE APPROXIMATELY 2.2 ACRES OF REAL PROPERTY GENERALLY LOCATED NORTHWEST OF THE NORTHWEST CORNER OF COOPER ROAD AND GUADALUPE ROAD FROM SINGLE FAMILY-35 (SF-35) ZONING DISTRICT TO GENERAL COMMERCIAL (GC) DISTRICT WITH A PLANNED AREA DEVELOPMENT OVERLAY.**

STRATEGIC INITIATIVE:

Community Livability

The Town's Community Livability Strategic Initiative emphasizes the importance of promoting growth while retaining its defining characteristics; the requested actions further this initiative by bringing a successful and historically-relevant business enterprise into policy and zoning conformance.

RECOMMENDED MOTION

A. NO MOTION REQUESTED; AND

B. NO MOTION REQUESTED

APPLICANT/OWNER

Company:	Hilgart Wilson	Company:	Whitfill Nursery
Name:	Toni Bonar	Name:	Brian Blake
Address:	2141 E Highland Ave #250 Phoenix, AZ 85016	Address:	2647 E Southern Ave Phoenix, AZ 85040
Phone:	602-490-0535	Phone:	602-430-3980
Email:	tbonar@hilgartwilson.com	Email:	brian@whitfillnursery.com

BACKGROUND/DISCUSSION

History

Date	Description
<i>June 5, 1984</i>	Town Council adopted Annexation No. A83-2, Ordinance No. 377.

Overview

The subject property, composed of Assessor's Parcel Numbers 302-12-024A and 302-12-024B, is approximately 2.2 acres and located northwest of northwest corner of Cooper Road and Guadalupe Road. The property functionally supports and is generally considered integral to the business enterprise, Whitfill Nursery, primarily conducted on property immediately south of the subject site. The property is owned by Silver Canyon Nurseries, the parent organization of Whitfill. Since the subject site's annexation into the Town in 1985, the record of zoning entitlement is not clear but it is generally agreed that the property received original zoning of Agricultural and was later rezoned to R1-43 and the current SF-35 as part of Town-wide Land Development Code (LDC) updates.

As mentioned, the property has supported business operations of Whitfill Nursery for many years through its use as a nursery, cultivation and display of plants for retail purposes, open equipment storage and stockpiling, and caretaker's quarters (via the single family residential structure on APN 302-12-24A). Nurseries operations are prohibited in the SF-35 zoning district.

Accordingly, this non-conforming utilization has been the source of several enforcement actions by the Town including court adjudications stemming from case filings in 2008 and 2010 as well as an ongoing enforcement action.

The owner of the property and Town recently negotiated a schedule for corrective actions bringing the subject property into zoning conformance as well as final design modifications sought by the owner for the Town's Capital Improvement Project #ST094; which affects the subject property as well as the property immediately to the south as the CIP project includes

temporary and permanent (ROW) taking of both properties. The negotiated agreement is the impetus for these General Plan amendment and rezoning applications.

The existing single family residence on APN 302-12-24A, currently used for caretaker's quarters, will be demolished with the impending CIP project. The parcel immediately north of APN 302-12-24A is also owned by the subject property's owner; it is the owner's intent ultimately to request a use permit on this northern parcel to allow for the construction of a second dwelling unit and eventually that parcel will house two separate residences for certain employees of the nursery operation. Both the existing residence and potential second dwelling unit will derive access through cross-access agreement via the existing private drive on APN 302-12-24A.

Surrounding Land Use & Zoning Designations:

	Existing Land Use Classification	Existing Zoning
North	Residential >0-1 DU/Acre	Single Family-35 (SF-35)
South	Neighborhood Commercial	General Commercial (GC)
East	Residential 3.5-5 DU/Acres	Single Family-7 (SF-7)
West	Residential >0-1 DU/Acre	Single Family-35 (SF-35)
Site	Residential >0-1 DU/Acres	Single Family-35 (SF-35)

General Plan

GP14-08 requests a Minor General Plan Amendment to change the land use classification on the property from Residential >0-1 DU/Acre to General Commercial (GC).

Compliance with the General Plan

The **applicant** has provided the following documentation as to the request's compliance to the General Plan:

Chapter 2, Goal 1.0, Promote Gilbert as a community in which to live, work and plan. Policy 1.2 – Create neighborhoods with an identity that complement Gilbert's heritage and connect to the broader community. The Whitfill Nursery is a great example of a commercial property that connects with Gilbert's agrarian heritage while providing a valuable specialty service for the local and broader community.

Chapter 2, Goal 5.0, Promote commercial, retail, and employment land uses that are compatible with adjacent land uses and meet economic goals. Policy 5.3 – Locate commercial and retail uses adjacent to residential uses in appropriate intensities to serve local, community and regional markets. The agrarian type character of Whitfill Nursery blends well with its adjacent large lot residential neighbors while serving as an icon for the Town. The Nursery serves a larger regional area while providing a lesser intense use; thus, providing a lesser impact to the nearby residents.

Chapter 3, Goal 1.0, Create safe and efficient patterns of circulation. Policy 1.1 – Promote the safety of turning lanes and driveway curb cuts through access management. The rezone from residential to commercial assists the Town with a portion of the CIP design for Cooper Road and Guadalupe Road. The commercial zoning permits the opportunity to create a median break

further north of the intersection. In addition to the median break, the Project will provide a cross-access agreement to the 0.9-net acre residential property to the north and the elimination of the individual residential driveway connection to Cooper Road, a minor arterial street. This redesign promotes greater vehicular and pedestrian safety.

Chapter 4, Goal 3.0, Celebrate the heritage of Gilbert. Policy 3.1 – Encourage agricultural landowners/producers, large lot landowners and other groups to collaborate on agricultural easements, community gardens, Farmer’s Markets and land preservation. The plant nursery is an agricultural use and provides agrarian benefits such as a sense of open space, reduction of the heat island effect, wide variety of plants, while contributing to the Town’s economic base.

Chapter 12, Goal 1.0, Promote preservation and maintenance of property; improve appearance with landscape and design. Policy 1.5 - Infill development should respect the existing character of the neighborhood while providing an enhancement to the neighborhood. The residential neighborhood adjacent to the Whitfill Nursery is large lot. The agrarian feel of the Nursery respects the existing residential character. The Nursery offers relief from the higher intensity residential and commercial uses within the area.

Chapter 12, Goal 4.0, Maintain positive neighborhood image throughout Gilbert. Policy 4.5 – Encourage neighborhoods and businesses to reinvest in frontage, façade, signage and general improvements as well as regular general maintenance. Whitfill Nursery will be investing in the frontage, façade, and other general improvements to provide a type of ‘facelift’ and redesign of the property to benefit the street improvements for Cooper Road and Guadalupe Road.

Policy 4.8 – Promote and enforce retrofitting of unsafe property conditions. The PAD will be shifting all residential uses to the remaining residential property, not being rezoned, and the Project will provide a cross-access agreement to the 0.9-net acre residential property to the north and eliminate the individual residential driveway connection to Cooper Road, a minor arterial street. This redesign promotes greater vehicular and pedestrian safety.

Policy 4.9 – Respect the character of all neighborhoods by encouraging them to preserve and improve upon the positive qualities that make each area unique. This PAD preserves the character, qualities, and attributes of the Nursery while improving upon access, circulation, and conformance with the underlying zoning.

Rezoning

Z14-18 requests to rezone the property from Single Family–35 (SF-35) to General Commercial (GC) with a Planned Area Development District (PAD) Overlay. Nursery is allowed by right in the GC district. The PAD request reflects the owner’s desire to maximize utilization of the subject property for nursery-related operations (cultivation and display) while attempting to maintain compatibility with the surrounding large-lot residential community. The specific deviations contemplated by the request are outlined below.

<i>Base Standards</i>	<i>GC Zoning</i>	<i>PAD Deviation</i>	<i>Staff Analysis</i>
Bldg. Sideyard Setback (Non-Residential)	20'	0'	No concern; the proposed building setback between the subject and the nursery operation is acceptable.
Landscape Sideyard (Residential)	40'	0'	The northwest corner of APN 302-12-24A and the northern and western property lines of APN 302-12-24B abut residential property; complete removal of a buffering requirement is not acceptable.
Landscape Rearyard (Residential)	40'	0'	
<i>Additional Standards</i>	<i>PAD Deviation</i>		<i>Staff Analysis</i>
Commercial activity within 50' of residential must be enclosed (2.304.B)	No requirement for enclosure		Complete removal of this requirement is not appropriate without some limitations to ensure continued compatibility with adjacent residential property.
A commercial property may not be used for legal access to residential property (2.306.G)	Allow for vehicular access from existing and proposed residences (controlled by the subject property owner) to the north of APN 302-12-24A		No concern, subject to grant of cross-access agreement; the nature of the access and residents' relationship to the nursery operations warrants the deviation.
Where commercial property abuts a residential property an 8' screen wall must be provided at the property line (4.109.B)	Allow for the existing horse rail fencing and adjacent 'Sour Orange' hedge to satisfy the intent of this requirement		Sufficient visual screening appears to exist along the northern boundary of the property; however, the western boundary lacks sufficient visual screening and both property boundaries abutting residential do not have sufficient security screening.

PUBLIC NOTIFICATION AND INPUT

A neighborhood meeting was held on May 12, 2014. Five residents adjacent to the property or living within close proximity attended. Concerns were voiced over compatibility between adjacent residential properties and the nursery operations. One adjacent resident provided a comment form detailing their desire that all development standards in place for commercial to residential compatibility not be modified.

PROPOSITION 207

An agreement to “Waive Claims for Diminution in Value” Pursuant to A.R.S. § 12-1134 was signed by the landowners of the subject site, in conformance with Section 5.201 of the Town of Gilbert Land Development Code. This waiver is located in the case file.

STAFF REQUEST

Staff requests Planning Commission input.

Respectfully submitted,

Jordan Feld, AICP
Senior Planner

Attachments:

Attachment 1	Vicinity Map
Attachment 2	Aerial Photo
Attachment 3	General Plan Exhibit
Attachment 4	Zoning Exhibit
Attachment 5:	Development Plan

Vicinity Map

SITE LOCATION:

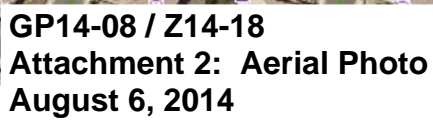


JURISDICTION

 GILBERT

0 195 390 780 Feet



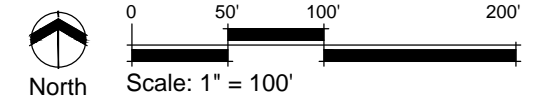


WHITFILL NURSERY

Gilbert, Arizona PLANNED AREA DEVELOPMENT

ZONING EXHIBIT

Figure 2

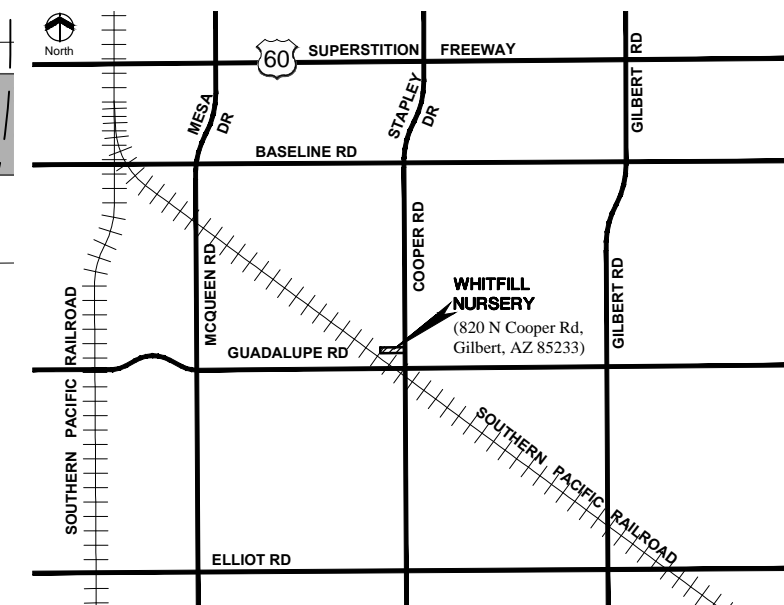


Legend

- PAD Boundary - 2.2 Ac (Gross)
- Ownership Boundary within PAD Boundary - 2 Ac (Net)
- Area of Amendment - (2.2 Ac)
- Whitfill Nursery Ownership Boundary (Including PAD area and parcels not included in PAD for reference)
- Existing Structure

Vicinity Map

Not to Scale



Notes

- There are no public streets within the net parcel.
- This exhibit is conceptual and subject to change through the design and development process.

July 22, 2014
Project Number: 1466
Project Manager: T. Bonar, AICP
Designed By: HW
Graphics By:
Drawn By: DD

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JUL 22, 2014 2:24pm
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HARVARD AVE

ZONING:
SF-35

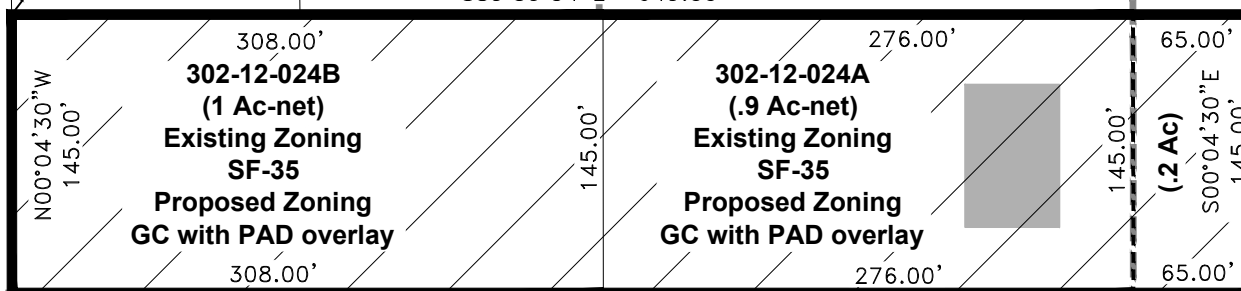
ZONING:
SF-35

ZONING:
SF-35

ZONING:
SF-35

302-12-028
(.9 Ac)
Existing Zoning
SF-35
No Proposed Change

S89°59'54"E 649.00'



N89°59'54"W 649.00'

302-12-043
(4.4 Ac)
Existing Zoning
NC
(No Proposed Change)

OVERHEAD
CANOPY

OVERHEAD
CANOPY

COOPER RD

ZONING:
SF-7

ZONING:
NC

ZONING:
NC

GUADALUPE RD

SOUTHERN PACIFIC RAILROAD

FIESTA RANCH TRACT
7 AMD
ZONING: INDUSTRIAL
(VACANT)

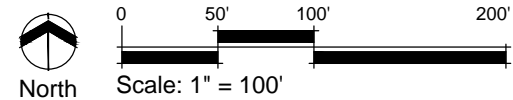
GP14-08 / Z14-18
Attachment 4: Zoning Exhibit
August 6, 2014

WHITFILL NURSERY

Gilbert, Arizona
PLANNED AREA DEVELOPMENT

DEVELOPMENT PLAN

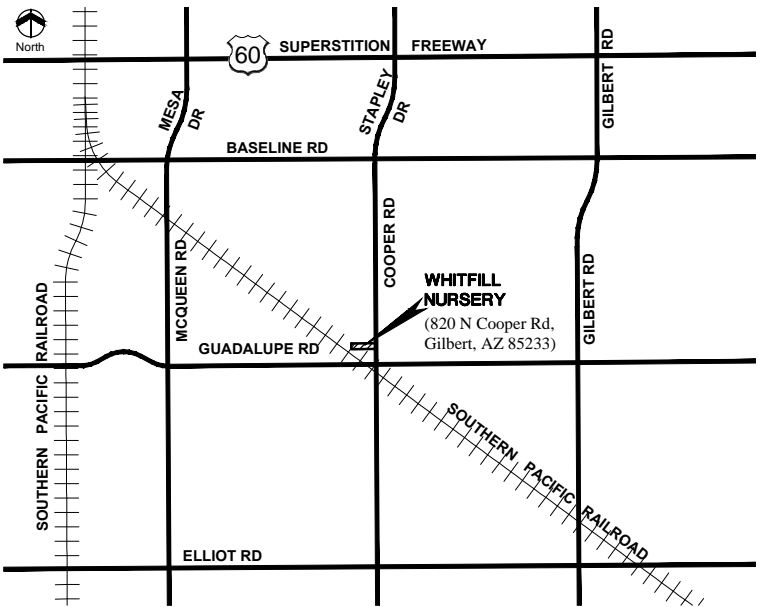
Figure 3



Legend	
	PAD Boundary - 2.2 Ac (Gross)
	Ownership Boundary within PAD Boundary - 2 Ac (Net)
	Area of Amendment - (2.2 Ac)
	Whitfill Nursery Ownership Boundary (Including PAD area and parcels not included in PAD for reference)
	Existing Structure
	Ingress/Egress Access

Vicinity Map

Not to Scale



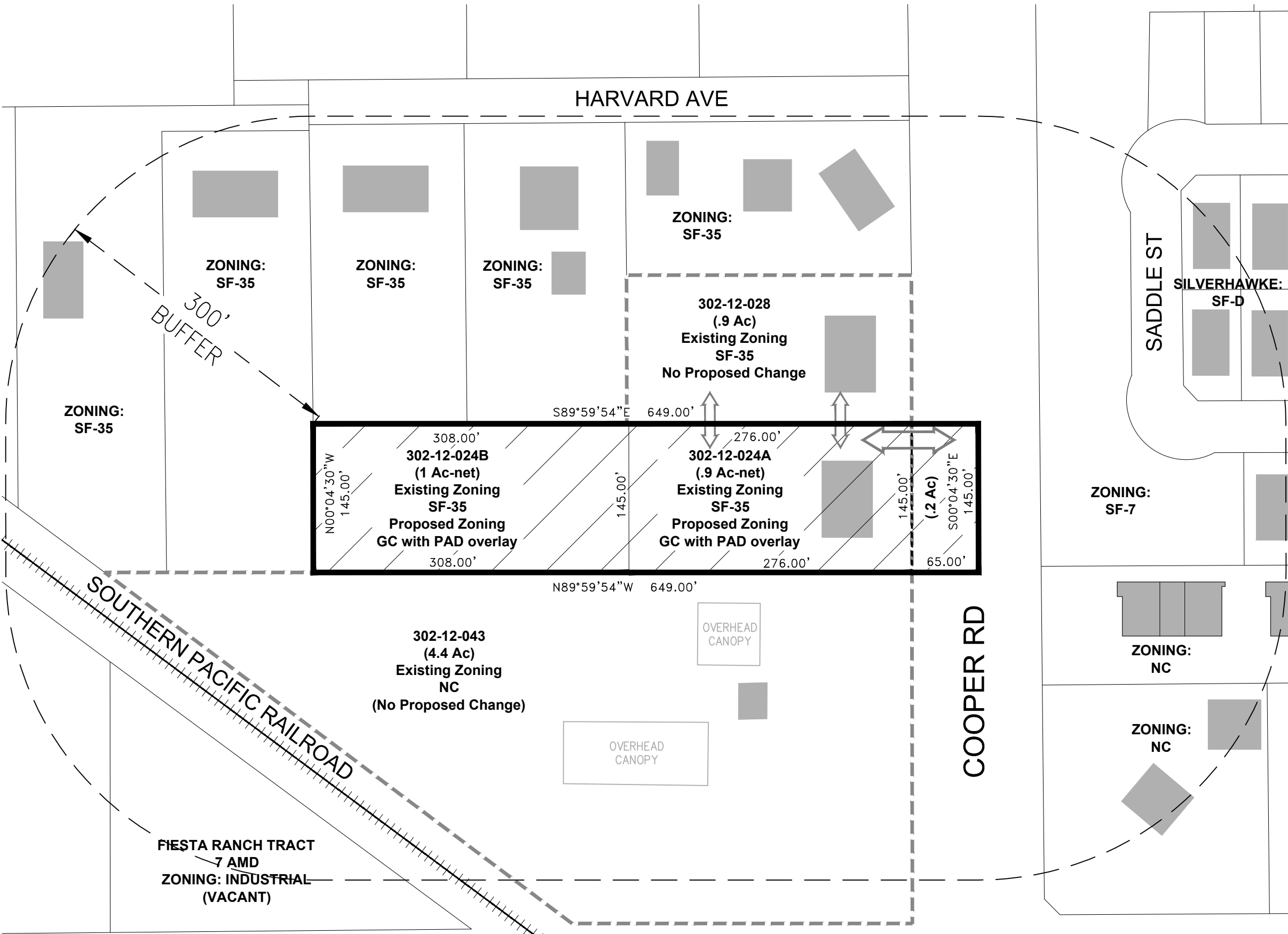
Notes

1. There are no public streets within the net parcel.
2. This exhibit is conceptual and subject to change through the design and development process.

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Jul 22, 2014 3:33pm
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Development Standards per Town of Gilbert Land Development Code except for as modified below:

1. Removal of the minimum side setback adjacent to the GC zoned parcel.
2. Removal of the landscape setback along the back and side of the property adjacent to the large-lot residential properties.
3. Removal of the regulation to conduct commercial activity within an enclosed building adjacent to the residential properties.
4. Location and expansion of two driveways within the northern boundary.
5. Modification of the separation fence adjacent to the large-lot residential properties.

GUADALUPE RD

GP14-08 / Z14-18
Attachment 5: Development Plan
August 6, 2014